

SENATE—Thursday, April 26, 2001

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Rev. Monte Frohm, of Good Shepherd Lutheran Church, Reston, VA, offered the following prayer:

Merciful Father, You are the source of all authority and power. You hold in Your hand all the nations of the world, including our own beloved United States of America. You have ordained the powers that be for the punishment of evildoers and for the praise of them that act rightly.

We humbly beg You to so guide the men and women of this Senate, that they might in due modesty and with undying hope pursue Your gracious will and purpose. Enlighten them with Your vision for our Nation, equip them with Your strength, instill in them a spirit of integrity that mirrors Your truth, and grant them patience in well doing that reflects Your long-suffering mercy.

May their labors yield a nation that is marked by justice and peace, righteousness and unity, gratitude and hope. As each of us is created in Your image, so let our common life reflect Your glory.

O Lord, our troubles are many, but Your strength is great. Our fears confound us, but Your promise gives hope. Our sins are many, but Your mercy is deep. Leave us not to our own devices, but work Your gracious purpose through us, to the glory of Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma, the acting majority leader, Mr. NICKLES, is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today we will be in a period of morning business until 11 a.m. Following morning business, it is hoped that the Senate can begin consideration of S. 149, the

Export Administration Act. Senators interested in this legislation are encouraged to be present on the floor at 11 a.m.

In addition, negotiations are continuing on the education bill, and consideration of that bill is expected in the not too distant future. As announced, there will be no session of the Senate on Friday.

I thank my colleagues for their attention.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I want to mention that I am glad we are going to attempt to get to the Export Administration Act. I think that is what it is called. It is a very important measure. Senator GRAHAM and I worked with Senator ENZI and other Senators trying to get that considered last year and we were unable to do that. I was happy to see in today's press—and I only read the Washington Post, and that may not be the best paper to read, but I read it—the indication that President Bush expressed in statements to the press several times yesterday that he was going to have to work with us, compromise on taxes and education.

I say this because I don't think it shows a sign of weakness of the President. I think it shows a maturity he knows—of course, because he worked with the Texas Legislature for 6 years as Governor—that legislation is the art of compromise, and he is going to have to compromise some of his positions. We will also have to compromise some of ours. This is the beginning of, I hope, some productivity in the Congress.

I think we did our job yesterday by passing by a 99-0 vote the brownfields bill from the Environment and Public Works Committee. I hope this is the beginning of a very productive session of Congress.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I have always enjoyed working with Senator REID. I think this can be a very productive month. This can be a month that we finish the budget and the tax bill, and we can finish the education bill. It is a month in which we can accomplish a lot for the American people that will make a difference in their lives and in their paychecks.

A lot of times people wonder what do we do and are there real results and are there real differences in what we do. Considering the education bill and tax measures pending, we can make a lot of difference, whether you are talking about the marriage penalty or a \$500

tax credit per child, cutting taxes across the board, reforming education, giving more power to parents and teachers. We can do all that this month. By Memorial Day, we can have great, significant accomplishments by working together. I look forward to working with my friend and colleague from Nevada.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Tennessee.

EDUCATION

Mr. FRIST. Mr. President, I rise to speak briefly this morning on an issue about which we have heard a lot in the last few days and in which a number of us have participated diligently over the last several months. The subject is education, kindergarten through 12th grade, a period of time which, as we all know, in large part determines how successful one is later in life—how well equipped one is to deal with challenges in an increasingly challenging world.

This important issue has caused many of us to reflect over the last several years on what has been accomplished in the last 35 years with Federal intervention in education. What we have found, for the most part, is that in spite of major expenditures by the Federal government—a small fraction of what is spent across the country but a huge and growing investment, to the tune, in just one program, title I, of about \$120 billion focused on disadvantaged children—the results have been disappointing.

They have been disappointing to Republicans, Independents, and Democrats. They are disappointing because through careful study, through careful documentation, people have come to realize that we have not succeeded. By practically every single measurement, the results have been flat.

Some people say that is a good result; we could have gotten worse.

But there is no reason in a time of economic prosperity and increasing prominence of the United States in the world order—we are the superpower—for results to be flat when billions of dollars are being expended.

When we peel away the layers and look at the results, we see growing achievement gaps between the served and underserved; between those financially well off and those less financially well off; between minority and non-minority. However one looks at the achievement gap over the last 35 years, it has deteriorated; it has gotten worse.

The subject is complex. It is hard. It is not a matter of just more money, smaller class size, or better school buildings. Society has changed. The challenges before us have changed. Our responsibility is to look at the last 35 years and address what has not worked and, through debate, hearings, and discussions, come forth with a policy that will reverse the trend of an achievement level that is flat. No net results after an increase in attention and after an increase of dollars is not an acceptable outcome.

From both sides of the aisle, we have heard over the last several days—and very appropriately so—applause for President Bush's first 100 days. Education is his No. 1 policy priority. We have made significant progress on tax relief, spending, and a number of military and defense issues.

Now we come back to what is most important to the United States of America—where we are today and where we want to be 5 years from now, 10 years from now, 20 years from now in what is becoming a smaller and smaller world.

The President's top priority is education. We have heard it from all sides; we have seen it in the newspapers and other media; and we have said it ourselves on the campaign trail. But the message really comes from the words of President George W. Bush, and that is "to leave no child behind." When you say "leave no child behind," you look at an individual and wonder how, in spite of 20, 50, 100, 150, 200 programs, all well intended, coming out of a Congress that says here is another good program to address a particular problem, we fall short. In spite of hundreds of different federal education programs, and in spite of \$120 billion spent in a single program, title I, we continue to fail.

Leaving no child behind means we probably have to change our targeting.

Many of us believe we should channel increased resources to the child who is disadvantaged, to raise that child's performance. That has not been possible from a political standpoint.

In leaving no child behind, the solution means we should focus on the child. We do not focus on bureaucracy. We focus on the child. We do not focus on more money for still another program. That has been tried again and again. It means we need to make sure the child, the individual, learns.

Right now, we have testing and some general accountability measures. People argue passionately about national standards, State standards, and local standards. That needs to be debated. But for 35 years we never said of the child: we will follow you over time so we can determine whether you are failing, staying the same, or progressing and, based on that, determine the proper action for this body.

We need to make sure kids learn. That will require increased accountability.

How do we do that? The bill that will be put forward and marked up in the Health Education Committee, the BEST bill, is strong on accountability. Through the bipartisan working groups that have been very actively involved over the last 2 months, that accountability can be strengthened. We need to reward schools that are performing well. If schools are not doing well, we will have to give them the tools, the equipment, the resources, and the chance to do better. When they repeatedly fail, year after year after year and if a child is locked into such a school, at some point we have to reconstitute that school or give the parents the opportunity to take their child out of that failing environment that society has created and put them in an environment where they have a real chance to learn.

Students in persistently failing schools should not be trapped there. They are trapped today. We need to do something about it. We have not been able to do anything about it in 30 or 35 years. The failure is in part because of Federal involvement. It is in part a failure of the current system. We need to change the system. That means make sure kids learn, with accountability. No. 2, give parents a choice. No. 3, let's proceed with reform.

No longer can people sit back and say: here is the system of 760 programs, let's pour more money into that system and we will be OK. We know that will not work. Therefore, we have to have reform. We have to have modernization of that system.

The good news is Democrats and Republicans together and from a policy standpoint understand what modernization means today. It means flexibility, knowing what works and what doesn't work, taking what works and putting it on a pedestal and supporting

it. Yes, that means financially. More money will be put in education. We heard the President of the United States say again and again and again over the last several days, especially as we are at the negotiating table, that he is willing to put more money than has been put into education last year or the year before that or the year before that. This President will invest in education if we agree to link it to reform, to modernization, to flexibility, to accountability, to having some element of parental involvement. Nobody cares more about that individual child than the parents.

Global competition is one of the reasons we can stand up and say we are failing today in spite of our good intentions, in spite of teachers who are working hard, getting up each morning, teaching all day, preparing through the night and working summers to become even better teachers. In spite of their best efforts, we are failing. The National Assessment of Educational Progress, NAEP, is the only test using an accurate and careful statistical sampling from a cross-section study across the country of what happens at a certain point in time in various States and various school districts. It is also longitudinal, comparing what happens after 1 year to 3 years to 5 years to 10 years later.

A recent NAEP study confirmed that our current education system is not working. The statistics, the data, are very accurate. As a scientist and someone who depends on statistics, I am convinced it is good data. The data show that the achievement gap is not closing, but continues to widen.

I am hopeful we can address the issue of education now or next week in a way that links that policy to the debate we are talking about, which is how much more money it will take to succeed.

The NAEP uses four levels of achievement. They are: advanced, proficient, basic, and below basic. You can track each of these. Looking at the below basic category is fascinating. Take one element, such as reading. In the below basic level, for the most part, too many students simply cannot read. Mr. President, 37 percent of those tested scored below basic. Even more disturbing is the fact that 63 percent—almost two-thirds of black fourth graders, 58 percent of Hispanics, 47 percent of students in urban areas, and 60 percent of poor children—scored below basic. That means they cannot read.

Secretary Paige—a wonderful leader—articulates through his experience what is happening on the ground: "After spending \$125 billion of title I money over 25 years, we have virtually nothing to show for it."

The data also show how well we are performing internationally. Look at math and science. I have a junior in high school; so we are thinking about college. As a physician, math and

science are two fields that mean a lot to me as we predict how well prepared people will be in this new economy fueled by technology and dissemination of information. In math and science, we are not first in the world. We are not fifth in the world. We are not tenth in the world. We are not fifteenth in the world. The United States of America is seventeenth in math and eighteenth in science.

What does that say as we go out and compete in this global economy for jobs, for economic growth?

We have a wonderful opportunity to go forward under the leadership of President George W. Bush. He has put on the table a very clear agenda that stresses accountability; an agenda that focuses on what works; an agenda that will reduce the redtape and bureaucracy that is handcuffing our teachers; and an agenda that will increase flexibility and local control. It is an agenda where needs can be identified locally and an agenda that empowers parents.

I very much appreciate the opportunity to participate in this discussion. I am hopeful we will be able to turn to the bill next week. It means at the end of 2 weeks from now we can have a bill that will engage in a major modernization of education, where we truly can say that the United States of America has stepped up to that big challenge, that challenge of leaving no child behind.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I be yielded 10 minutes or until a Senator arrives, at which time I will yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise once again to continue remarks from a few minutes ago on education, and I will do so until another Senator arrives to speak. I want to take a moment to bring my colleagues up to date on the underlying bill that came out of the Committee on Health, Education, Labor, and Pensions. It is a bill called BEST—I mentioned it earlier—the Better Education for Students and Teachers Act. It is a bill we debated in the Committee and most probably will be the bill that is brought forward once we make further progress in discussions on the appropriate amount of money to invest.

This particular bill, which will be modified and debated and discussed on the floor, has four principles about which I want to briefly comment. What it does, is to embody what President Bush has focused on and that is this

very important belief, fundamental belief, that enterprise works best when authority and responsibility are aligned. Good results occur when responsibilities are accompanied by latitude and flexibility so that judgments can be made on information that is available and when those who are responsible for teaching, for making decisions for education, for leaving no child behind, are held accountable. Those principles are very simple. They link innovation responsibility, flexibility, and results.

The BEST bill has four components to it. No. 1, it will increase accountability for student performance. It is just remarkable, I believe, and it is important for our colleagues to understand and people around the country to understand, that we as a government are investing taxpayer money without demanding accountability—no measurement, no results, are required. We are pouring money into a system and we don't know if it works. As I mentioned earlier the data that has come out this morning shows the current system does not work.

First and foremost, accountability: States and school districts and schools that improve achievement that eliminate or narrow that achievement gap which we know is getting worse those entities, will be praised, will be rewarded in the underlying bill.

The flip side of that is those schools and those districts and even those States that continue to fail after they receive new resources and a fair clause to show progress—they will then be sanctioned. They will be held accountable. That is something basic. It is something we do in our homes. It is something we do in our small businesses. We do it in our everyday lives. But when it comes to government, for some reason for the last 35 years we have not done it. Now is the time to do it. And we are going to do it.

The parents will have new information on how their children are progressing. They will no longer be limited to just assessing at night and talking to their child, or talking to other parents at night. That will continue, of course, but parents will know much more about whether the schools are succeeding. For the first time, assessments can be compared across communities and States, and across the U.S. and even to other countries. Parents will know that their schools are being held accountable as well.

Parental involvement is crucial, we can do a lot here in Washington, DC, in this great Capital and this great body, but ultimately it has to be the millions of parents who are out there holding accountable the schools, the teachers, the school districts, and the local governments.

There are going to be annual State reading and math assessments for grades three through eight. That is something I feel very strongly about.

Two, the BEST bill focuses on what works. Federal dollars will be spent on effective research-based programs and practices. Funds will be targeted to improve schools and enhance teacher quality.

That ultimate goal has to be to have a student and a classroom that is safe and drug free, but with a good teacher at the head. Therefore, the "t" in the BEST bill means teachers. And the focus will be on teachers.

Third, the BEST bill will also reduce bureaucracy and increase flexibility. Additional flexibility will be provided to States and school districts, and flexible funding will be increased at the local level.

Finally, this bill will empower parents. Parents don't now have the information to be able to either hold schools accountable or make decisions. They will be given that information about the quality of their child's progress and their child's school. Students in persistently low-performing schools will be provided options so that they are not locked in a bad school.

It is important as we go forward to understand what the underlying bill is. It is a sweeping introduction of the four principles: accountability, focusing on what works, reducing bureaucracy and increasing flexibility, and empowering parents.

I look forward to discussing that in greater detail as we, hopefully, get to this bill next week. I think the BEST bill is a great start for what we all want, and that is to leave no child behind.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

CLIMATE CHANGE

Mr. LIEBERMAN. Mr. President, I rise today to speak with colleagues about global warming, which quite literally is a cloud that is looming on our horizon. As many have feared, there is evidence that this cloud has recently grown darker and more ominous.

Over the last few months, in fact, the United Nation's Intergovernmental Panel on Climate Change released its third report on global warming. This report was authored by over 700 expert scientists. Their conclusions, I am afraid, offer convincing evidence of a planet in distress, one that is slowly overheating with very serious—some would say disastrous but certainly very serious—consequences for those who will follow us on this Earth.

According to these scientific experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next 100 years. Such a large rapid rise in temperature will profoundly affect the Earth's landscape in very real and